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SUBJECT: CANADIAN REQUEST FOR TRANSIT RIGHTS THROUGH U.S.
WATERS FOR CANADIAN COAST GUARD VESSELS WITH ARMED LAW
ENFORCEMENT OFFICERS ABOARD

1. (U) This is an action request: see paragraph 5.

2. (SBU) Embassy Ottawa received a diplomatic note dated June 20, 2005 from Foreign Affairs Canada. The note provides details of Canadian plans to deploy three joint RCMP/Canadian Coast Guard vessels on the Great Lakes and the Saint Lawrence Seaway, beginning July 16, 2005. This is part of Canada's maritime security enhancement program. The ships, which will carry armed RCMP officers, will be marked as Canadian police vessels. The note requests USG concurrence allowing the transit of the three vessels through U.S. internal waters. It points out that the law enforcement officers seek to transit U.S. waters only and are not authorized to use their duty weapons or take law enforcement action while in U.S. internal waters. The full text of the diplomatic note and the accompanying attachment with details on the vessels is provided below.

3. (SBU) (Complimentary opening) and has the honour to seek the concurrence of the United States Government to allow joint Royal Canadian Mounted Police/Canadian Coast Guard (CCG) vessels to transit U.S. internal waters in the Great Lakes/Saint Lawrence Seaway System while en route to conduct law enforcement/maritime security patrols in Canadian internal waters.

The Government of Canada has the further honour to inform the United States Government of Canada's intent to deploy three joint RCMP/CCG vessels to begin law enforcement/maritime security patrols in Canadian waters on the Great Lakes/Saint Lawrence Seaway between Thunder Bay, Ontario, and Les Escoumins, Quebec, commencing on July 16, 2005, as part of Canada's marine security enhancement programme.

Given the geography of the region, the three Canadian vessels will need to routinely transit U.S. internal waters including seaway locks, shared rivers, and navigable channels along the Saint Lawrence Seaway and the Great Lakes as they move from one part of Canadian waters to another. The three Canadian vessels will carry identifiable armed peace officers and be marked as Canadian police vessels.

The Government of Canada seeks the concurrence of the United States Government to allow the transit of the three vessels and the armed Canadian peace officers on board through U.S. internal waters beginning July 16, 2005. The Government of Canada notes that the Canadian peace officers do not have any law enforcement powers outside of Canada and thus, the Canadian officers are not authorized to use their duty weapons or take law enforcement action while in U.S. internal waters. This concurrence is for transit through U.S. waters only.

Should any further information be required, the Department of Foreign Affairs and International Trade remains at the disposal of the Embassy of the United States of America and appropriate United States authorities to facilitate any discussion or technical arrangements. The Government of Canada further notes that concurrence with this request will not affect or prejudice broader or more lasting solutions to marine geographic inhibitors, which are currently being explored through the Canada-U.S. Cross Border Crime Forum. (Complimentary closing)

4. (SBU) Begin text of attachment.

Marine Security of the Great Lakes/Saint Lawrence Seaway System

The Great Lakes/Saint Lawrence Seaway System is a conduit providing access for the global maritime shipping industry to the heartland of North America. Canada is committed to addressing the capacity for on-water response to combat transnational threats, including terrorism, organized crime activities such as people and contraband smuggling and trafficking, within the Great Lakes/Saint Lawrence Seaway System. As an interim measure, Canada has dedicated three vessels to begin joint law enforcement/maritime security patrols between Thunder Bay, Ontario, and Les Escoumins,

Quebec.

These maritime security patrols are a concrete demonstration of Canada's commitment to contribute effectively to the enhancement of security of North America. As such, they represent one more step towards achieving the common security goals established by President Bush, Prime Minister Martin, and President Fox in the North American Security and Prosperity Partnership announced in March 2005.

Vessels and Crew

The CCGC Cape Hurd (Official No: 800748; Port of Registry: Ottawa; Call Sign: CG2821) will patrol the areas from Lake Huron to Port Colborne including the waters of the St. Clair and Detroit Rivers from mid-April to early December. The Cape Hurd will have a complement of 4 CCG and 2 law enforcement personnel.

The CCGC Isle Rouge (Official No: 395543; Port of Registry: Ottawa; Call Sign: CG2637) will patrol the St. Lawrence River from Cornwall to Les Escoumins from mid-April to early December. The Isle Rouge will have a complement of 4 CCG and 2 law enforcement personnel.

The Simmonds (The Simmonds is an RCMP vessel which is in the process of getting registered as a Coast Guard ship, and once processed, all relevant details will be forwarded to U.S. officials) will patrol Lake Ontario and the St. Lawrence River to Cornwall from mid-April to early December. The Simmonds will have a complement of 4 CCG and 2 law enforcement personnel.

Duration of Law Enforcement/Maritime Security Patrols

These measures will begin July 16, 2005 and will not affect or prejudice broader or more lasting solutions to marine geographic inhibitors, which are currently being explored through the Canada-U.S. Cross Border Crime Forum. (End text of attachment)

15. (SBU) Action Request: Mission Canada believes that timely approval of this request is very much in our interest, but we are not sure what agency in the USG is authorized to grant this request. We note that, because of the limited nature of the request, it would not seem to require Title 19 authorization. We therefore ask that the State Department, after consulting with other interested agencies, provide the text of a positive reply that we could forward to Foreign Affairs Canada as a diplomatic note.

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